HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 1486 (S/S) 2004

N.K. Sharma,
S/o Late Cheddi Lal Sharma,
Senior Marketing Inspector (under suspension)
Attached in the Office of Regional Food Controller,
Department of Food and Civil Supply,
Kumaun Division, Haldwani, Distt. Nainital.

------ Petitioner.

Vs.

1. State of Uttaranchal
through Secretary Department of
Food & Civil Supplies, Secretariat, Dehradun,
District Dehradun,
2. Commissioner, Food and Civil Supplies,
Uttaranchal, Dehradun, District Dehradun
3. Regional Food Controller, Kumaun Region,
Haldwani, District Nainital.
4. Regional Food Controller,
Garhwal Region (Enquiry Officer),
Department of Food & Civil Supplies,
Dehradun, District Dehradun.
5. Regional Senior Finance Officer (Food),
Department of Food & Civil Supplies,
Kumaun Region, Haldwani, Distt. Nainital.
6. Sri Vikram Singh Yadav,
Dy.Regional Marketing Officer
(Previous Enquiry Officer), Officiating,
Rudrapur, District Udham Singh Nagar.
7. M.A. Raja, Senior Marketing Inspector,
Roorkee, District Haridwar.

----- Respondents.

Sri Rakesh Thapliyal, learned counsel for the petitioner.
Learned Standing Counsel for the respondent Nos. 1 to 5.
Mr. Naresh Pant, learned counsel for respondent No. 7.

Hon'ble M.M. Ghildiyal, J.

Heard Mr. Rakesh Thapliyal, learned counsel for the petitioner, learned Standing Counsel for respondent Nos. 1 to 5 and Mr. Naresh Pant, learned counsel for respondent No. 7.

Submission of the petitioner is that he was working as a Marketing Inspector in the department of Food and Civil Supplies, Kumaun Division, Haldwani, District Nainital. Vide order dated 24.08.2004 passed by the Commissioner, Food and Civil Supplies, Uttaranchal, Dehradun the petitioner was suspended and the Finance Controller, Department of Food and Civil Supplies was appointed as Enquiry Officer. A charge sheet was furnished to the petitioner on 19.01.2005 to which the petitioner has replied and after concluding the enquiry, the Enquiry Officer has submitted enquiry report to the disciplinary authority on 26.02.2005.

The petitioner has further submitted that inspite of submitting the enquiry report to the disciplinary authority long back no final decision has been taken by the disciplinary authority so far. He has relied on the Government Order dated 12.05.2005 issued by the Government in which it is provided that the final order shall be passed by the disciplinary authority within a period of fifteen days from the date of receipt of the enquiry report. Since, enquiry report was submitted in the month of February 2005 and almost nine months have passed but no final order has been passed in the matter of the petitioner.

In the circumstances of the case, I think it just and proper to direct the disciplinary authority (respondent) No. 2) to take final decision in the case of the departmental proceedings against the petitioner within a period of one month from the date of production of certified copy of this order.

With this direction, the writ petition is disposed of finally.

(M.M. Ghildiyal, J.)

November 18, 2005:
H.Negi